

MAR 17 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**US DISTRICT COURT
WESTERN DISTRICT OF NC**

CRIMINAL NO.: 3:15cr251-RJC

UNITED STATES OF AMERICA)	
)	
v.)	CONSENT ORDER AND
)	JUDGMENT OF FORFEITURE
)	PENDING RULE 32.2(c)(2)
JAMES RONALD HELMS, JR.)	

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 21 U.S.C. § 853, provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

- **Real property located at 813 Rocky River Road North, Monroe, North Carolina**
- **One Norinco SKS 7.62 rifle, serial number 304352 and ammunition**
- **One Ithaca Model 37, feather Light 20 gauge pump shotgun, serial number 988518 and ammunition**
- **One Smith & Wesson model 3000, 12 gauge pump shotgun, serial number FC79051 with folding stock and ammunition**
- **One Israel Weapon Ind. Desert Eagle 41/44 magnum pistol, serial number 103904 and ammunition**
- **One Bersa Model 383-A .380 caliber pistol, serial number 202778 with magazine and ammunition**
- **One Raven Arms Model MP25 .25 caliber pistol, serial number 1054412 with magazine and ammunition**
- **One Astra Constable 7.65mm, serial number 1054717 and ammunition**
- **One Smith & Wesson Model 5906 9mm, serial number TFN2288 with magazine and ammunition**
- **One Smith & Wesson 357 Magnum Model 19-3, serial number 4K87403 and ammunition**
- **One Smith & Wesson 357 Magnum Model 686, serial number ACK3884 and ammunition**
- **One Smith & Wesson Model 10-5, 38 Special, serial number D480138 and ammunition**
- **One Glock 19 9mm pistol, serial number DFS943US and ammunition**
- **One North American Arms 22 caliber revolver, serial number B16027 and ammunition**
- **One Norinco MAK 90 Sporter 7.62 rifle, serial number 9416432 and ammunition**

- **Approximately \$47,813 in United States currency**
- **One 2005 Dodge Ram truck, VIN 3D7MR48C55G754744**

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.


5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of Defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 21 U.S.C. § 853. The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem to legally sufficient, and waives any and all right to further notice of such process or such destruction.

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY



SANJEEV BHASKER
Assistant United States Attorney


JAMES RONALD HELMS, JR.
Defendant



W. ROB HEROY, ESQ.
Attorney for Defendant

Signed this the 17 day of March, 2016



UNITED STATES MAGISTRATE JUDGE